

LAW OFFICES
SONOSKY, CHAMBERS, SACHSE,
ENDRESON & PERRY, LLP
1425 K STREET, N.W., SUITE 600
WASHINGTON, DC 20005
(202) 682-0240
FACSIMILE (202) 682-0249

DONALD J. SIMON
dsimon@sonosky.com

August 10, 2004

BY MESSENGER

Lawrence Norton, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Complaint against Swift Boat Veterans for Truth (SBVT)

Dear Mr. Norton:

Enclosed for filing is an original and three copies of a complaint against Swift Boat Veterans for Truth, filed by Democracy 21, the Campaign Legal Center and the Center for Responsive Politics.

Respectfully submitted,


Donald J. Simon

Enclosures

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 AUG 10 PM 3:43

26044152169

BEFORE THE
FEDERAL ELECTION COMMISSION

Democracy 21
1825 I Street, NW, Suite 400
Washington, DC 20006
202-429-2008

Campaign Legal Center
1640 Rhode Island Ave. NW, Suite 650
Washington, DC 20036
202-736-2200

Center for Responsive Politics
1101 14th Street, NW, Suite 1030
Washington, DC 20005
202-857-0044

v.

MUR No. 5511

Swift Boat Veterans for Truth
P.O. Box 26184
Alexandria, Virginia 22313

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 AUG 10 P 3 46

COMPLAINT

1. In March, 2002, Congress enacted the Bipartisan Campaign Reform Act of 2002 (BCRA) in order to stop the raising and spending of soft money to influence federal elections.

The relevant provisions of BCRA were upheld by the Supreme Court in *McConnell v. FEC*, 540 U.S. 39, 124 S.Ct. 619 (2003).

2. Since the enactment of the BCRA, a number of political and party operatives have been engaged in illegal new schemes to use soft money to influence the 2004 presidential and congressional elections. These schemes, for the most part, involve the use of so-called "section 527 groups" – entities registered as "political organizations" under section 527 of the

26044152170

Internal Revenue Code, 26 U.S.C. § 527 – as vehicles to raise and spend soft money to influence the 2004 federal elections.

3. These schemes to inject soft money into the 2004 federal elections are illegal. The Supreme Court in *McConnell* took specific note of “the hard lesson of circumvention” that is taught “by the entire history of campaign finance regulation.” 124 S.Ct. at 673. The deployment of “section 527 groups” as the new vehicle for using soft money to conduct partisan activities to influence federal elections is simply the latest chapter in the long history of efforts to evade and violate the federal campaign finance laws.

4. Swift Boat Veterans for Truth (SBVT) is registered with the IRS as a section 527 group but is not registered with the Commission as a political committee. However, SBVT is, in fact, a federal political committee. SBVT is an entity which, as a 527 group, has a “major purpose,” indeed an overriding purpose, to influence candidate elections, and more specifically, federal candidate elections, and which has spent, or is planning to spend, significant amounts of funds to influence the 2004 presidential election. This “political committee” is therefore required to register with the Commission under the federal campaign finance laws, and is subject to the federal contribution limits and source prohibitions on the funds it receives. As a political committee, SBVT may not receive more than \$5,000 per year from an individual donor, and may not receive any union or corporate treasury funds whatsoever. 2 U.S.C. § § 441a(a)(1)(C), 441b(a). These limits and prohibitions apply to all “political committees,” including those that engage in independent spending. 11 C.F.R. § 110.1(n).

5. The Supreme Court in *McConnell* took specific – and repeated – note of the central role of the Federal Election Commission in improperly creating the soft money

26044152171

loophole that was used to circumvent the federal campaign finance laws. The massive flow of soft money through the political parties into federal elections was made possible by the Commission's allocation rules, which the Court described as "FEC regulations [that] permitted more than Congress, in enacting FECA, had ever intended." 124 S.Ct. at 660, n.44. Indeed, the Court noted that the existing Federal Election Campaign Act (FECA), which had been upheld in *Buckley*, "was subverted by the creation of the FEC's allocation regime" which allowed the parties "to use vast amounts of soft money in their efforts to elect federal candidates." *Id.* at 660 (emphasis added). The Court flatly stated that the Commission's rules "invited widespread circumvention" of the law. *Id.* at 661.

6. It is critically important that the Commission not repeat this history here. The Commission must ensure that it does not once again invite "widespread circumvention" of the law by licensing the injection of massive amounts of soft money into federal campaigns, this time through section 527 groups whose major, indeed overriding, purpose is to influence federal elections.

7. The Commission has the authority to take enforcement action based on a complaint where it finds reason to believe that a person "has committed, or is about to commit," a violation of the law. 2 U.S.C. §§ 437g(a)(2), 437g(a)(4)(A)(i), 437g(a)(6)(A); *see also* 11 C.F.R. 111.4(a) ("Any person who believes that a violation...has occurred or is about to occur may file a complaint...") (emphasis added). Based on published reports, the SBVT has either committed or is "about to commit" violations of the law by raising and spending significant amounts of soft money – including large individual contributions – to influence the 2004 presidential elections. The respondent is doing so without registering as a federal political committee and without complying with the rules applicable to such political

26044152172

committees. It is critical that the Commission act effectively and expeditiously to prevent the violations of the law threatened by the widely publicized activities of this section 527 group.

Swift Boat Veterans for Truth

8. Swift Boat Veterans for Truth (SBVT) was established on April 23, 2004 as a “political organization” under section 527 of the Internal Revenue Code, 26 U.S.C. § 527.¹ Although it describes itself as a “Special Purpose Political Action Committee,” SBVT has not registered as a “political committee” with the FEC.

9. SBVT has made clear that its major, indeed overriding, purpose is to influence the 2004 presidential election and defeat the Democratic nominee for President, Senator John Kerry.

10. A press release announcing the formation of SBVT said the organization “has been formed in order to bring the truth about Kerry to the American people.” The organization states that it “intends to discuss Kerry’s war crimes charges, Kerry’s record and to request that Kerry authorize the Department of Defense to release the originals and the complete files relating to his military service and medical military records.”²

11. SBVT has begun airing a 60-second television ad in three presidential “battleground” states, Ohio, West Virginia and Wisconsin, “as part of a multimedia effort to discredit Kerry’s wartime record, a cornerstone of the Democratic campaign.”³ According to a report in *The New York Times*, the ad “attacks Senator John Kerry, accusing him of lying about his war record, including the circumstances surrounding his medals, and betraying his

¹ A copy of its Form 8871, Notice of Section 527 Status, filed with the IRS, is attached as Exhibit A.

² This press release is attached as Exhibit B.

³ M. LaGanga, “Veterans Attack Kerry on Medals, War Record,” *The Los Angeles Times* (August 5, 2004) (Exhibit C).

comrades by later opposing the war.”⁴ The ad attacks Senator Kerry, and quotes Vietnam veterans who say, e.g., “John Kerry is no war hero,” and “John Kerry cannot be trusted.” A copy of the entire text of the ad is attached as Exhibit E.

12. According to the Form 8872 filed with the IRS by SBVT, the group raised \$158,750 in the quarter ending June 30, 2004.⁵ Of this, \$100,000 was contributed by a single donor, Bob Perry, who *The New York Times* identifies as “a Houston developer and major contributor to Republican campaigns.”⁶ A report in *The Los Angeles Times* states that Perry “has helped bankroll the widespread success of Republican candidates [in Texas], has long-standing ties to many close associates of President Bush and has contributed to Bush’s last four campaigns.”⁷ According to *The New York Times*, a spokesman for SBVT said the group intends to spend \$500,000 to run the advertisement attacking Senator Kerry’s war record.

13. A member of SBVT, Andy Horne, appeared on CNN on August 6, 2004 and was asked by news anchor Heidi Collins about the purpose of SBVT:

Collins: Sir, is [the ad] not produced and made to influence the presidential election this November?

Horne: Yes, of course.

Collins: Is it not a campaign ad, then?

Horne: Well, I’m not going to quibble with you on that.⁸

⁴ J. Wilgoren, “Vietnam Veterans Buy Ads to Attack Kerry,” *The New York Times* (Aug. 5, 2004) (Exhibit D).

⁵ A copy of the Form 8872 second quarter 2004 disclosure filed with the IRS is attached as Exhibits F.

⁶ Wilgoren, *supra*.

⁷ S. Gold, “Top Texas Donor’s Influence Far More Visible Than He Is,” *The Los Angeles Times* (August, 8, 2004) (Exhibit G).

⁸ See transcript at <http://www.cnn.com/TRANSCRIPTS/0408/06/pzn.00.html> (Exhibit H)

26044152174

In addition, in an article in the *Fort Wayne Journal Gazette* dated August 5, 2004, one of the founders of SBVT, Rear Admiral Roy Hoffman, "said he began organizing the anti-Kerry group in March, when it became clear Kerry would be the Democratic presidential nominee."⁹

Violation of Law
(Political Committee Status)¹⁰

14. SBVT is a "political committee" under the federal campaign finance law. It is an entity which (1) has a "major purpose" to influence candidate elections, and in particular, federal candidate elections, and (2) has received contributions or made expenditures of more than \$1,000 in a calendar year. Because SBVT meets both parts of this test, it is a federal "political committee," and is accordingly subject to the contribution limits, source prohibitions and reporting requirements that apply to all federal political committees. Because it has not complied with these rules applicable to federal political committees, it has been, and continues to be, in violation of the law.

15. Section 431(4) of Title 2 defines the term "political committee" to mean "any committee, club, association or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4); *see also* 11 C.F.R. § 100.5(a). A "contribution," in turn, is defined as "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any

⁹ Scripts Howard News Service, "Some vets challenge Kerry's medals," *Fort Wayne Journal Gazette* (August 5, 2004). (Exhibit I)

¹⁰

--	--

26044152175

election for Federal office....” 2 U.S.C. § 431(8)(A). Similarly, an “expenditure” is defined as “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office...” 2 U.S.C. § 431(9)(A).

16. Any entity which meets the definition of a “political committee” must file a “statement of organization” with the Federal Election Commission, 2 U.S.C. § 433, and periodic disclosure reports of its receipts and disbursements. 2 U.S.C. § 434. In addition, a “political committee” is subject to contribution limits, 2 U.S.C. § 441a(a)(1), §441a(a)(2), and source prohibitions, 2 U.S.C. § 441b(a), on the contributions it may receive and make. 2 U.S.C. § 441a(f). These rules apply even if the political committee is engaged only in independent spending. 11 C.F.R. § 110.1(n).

17. In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court construed the term “political committee” to “only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.” 424 U.S. at 79 (emphasis added). Again, in *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986), the Court invoked the “major purpose” test and noted that if a group’s independent spending activities “become so extensive that the organization’s major purpose may be regarded as campaign activity, the corporation would be classified as a political committee.” 479 U.S. at 262 (emphasis added). In that instance, the Court continued, it would become subject to the “obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns.” *Id.* (emphasis added). The Court in *McConnell* restated the “major purpose” test for political committee status as iterated in *Buckley*. 124 S.Ct. at 675, n.64.

26044152176

18. In *FEC v. GOPAC*, 917 F.Supp. 851 (D.D.C. 1996), a single federal district court further narrowed the “major purpose” test to encompass not just the nomination or election of any candidate, but only “the nomination or election of a particular candidate or candidates for federal office.” 917 F.Supp. at 859. Thus, the court said that “an organization is a ‘political committee’ under the Act if it received and/or expended \$1,000 or more and had as its major purpose the election of a particular candidate or candidates for federal office.” *Id.* at 862. The court further said that an organization’s purpose “may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates.” *Id.*

19. It is the view of complainants that the district court in *GOPAC* misinterpreted the law and incorrectly narrowed the test for a “political committee” as set forth by the Supreme Court in *Buckley*, and that the Commission should have appealed the district court decision in *GOPAC*. Nonetheless, even under the approach adopted in *GOPAC*, the respondent here is a “political committee” and is required to file as such under federal law.

20. There is a two prong test for “political committee” status under the federal campaign finance laws: (1) whether an entity or other group of persons has a “major purpose” of influencing the “nomination or election of a candidate,” as stated by *Buckley*, or of influencing the “election of a particular candidate or candidates for federal office,” as stated by *GOPAC*, and if so, (2) whether the entity or other group of persons receives “contributions” or makes “expenditures” of at least \$1,000 or more in a calendar year.

21. Prong 1: The “major purpose” test. SBVT has a “major purpose” of influencing the election of a candidate, under *Buckley*, or of a “particular candidate or

26044152177

candidates for federal office,” under *GOPAC*. SBVT thus meets the first prong of the test for “political committee” status, under either *Buckley* or *GOPAC*.

22. First, SBVT is organized under section 527 of the Internal Revenue Code, 26 U.S.C. § 527, and is thus by definition a “political organization” that is operated “primarily” for the purpose of influencing candidate elections. Section 527 of the IRC provides tax exempt treatment for “exempt function” income received by any “political organization.” The statute defines “political organization” to mean a “party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.” 26 U.S.C. § 527(e)(1) (emphasis added). An “exempt function” is defined to mean the “function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice Presidential electors...” 26 U.S.C. § 527(e)(2) (emphasis added). The Supreme Court said in *McConnell*, “Section 527 ‘political organizations’ are, unlike § 501(c) groups, organized for the express purpose of engaging in partisan political activity.” 124 S.Ct. at 678, n.67. The Court noted that 527 groups “by definition engage in partisan political activity.” *Id.* at 679. A “political organization” as defined in section 527 must register as such with the Secretary of the Treasury, and must file periodic disclosure reports with the Secretary as required by section 527(j). SBVT has registered as a “political organization” under section 527.

23. Thus, by definition, any entity that registers with the Secretary as a “political organization” under section 527 is “organized and operated primarily” for the purpose of “influencing or attempting to influence the selection, nomination, election or appointment of”

26044152178

an individual to public office. The Commission has frequently cited the section 527 standard as identical to the “major purpose” prong of the test for “political committee” status. *See e.g.*, Advisory Opinions 1996-13, 1996-3, 1995-11. Accordingly, any group that chooses to register as a “section 527 group” – including SBVT -- is by definition an entity “the major purpose of which is the nomination or election of a candidate...”¹¹ Under the “major purpose” standard set forth in *Buckley*, this is sufficient to meet the first prong of the “political committee” test.

24. But even if that standard is further narrowed by *GOPAC*, the respondent here, SBVT, has a “major purpose” of influencing the nomination or election of a “particular candidate or candidates for federal office...” 917 F.Supp. at 859. SBVT has made clear that it intends to spend significant amounts on broadcast ads that will expressly refer to, and attack or oppose, Senator Kerry. Thus, SBVT has a “major purpose” to support or oppose particular federal candidates, thus meeting even the most rigorous definition under *GOPAC* of the first prong of the test for “political committee.”

25. Prong 2: “Expenditures” of \$1,000. The second prong of the definition of “political committee” is met if an entity which meets the “major purpose” test also receives “contributions” or makes “expenditures” aggregating in excess of \$1,000 in a calendar year. Both “contributions” and “expenditures” are defined to mean funds received or disbursements made “for the purpose of influencing” any federal election. 2 U.S.C. § 431(8), (9).

26. This second prong test of whether a group has made \$1,000 in “expenditures” is not limited by the “express advocacy” standard when applied to a section 527 group, such as SBVT. Rather, the test for “expenditure” in this case is the statutory standard of whether disbursements have been made “for the purpose of influencing” any federal election, regardless

¹¹ This would be true in all instances other than a 527 organization which is devoted to influencing the nomination or appointment of individuals to appointive office such as, *e.g.*, a judicial appointment, but this exception does not apply to SBVT

of whether the disbursements were for any "express advocacy" communication. The Supreme Court made clear in *Buckley* that the "express advocacy" standard does not apply to an entity, like a section 527 group, which has a major purpose to influence candidate elections and is thus not subject to concerns of vagueness in drawing a line between issue discussion and electioneering activities. Groups such as section 527 "political organizations" are formed for the principal purpose of influencing candidate elections and, as explained by the Court in *Buckley*, their expenditures "can be assumed to fall within the core area sought to be addressed by Congress. They are, by definition, campaign related." 424 U.S. at 79. The Court affirmed this position in *McConnell*. 124 S.Ct. at 675, n.64. Thus, the "express advocacy" test, which the Supreme Court deemed to be "functionally meaningless," 124 S.Ct. at 703, is not relevant to the question of whether a section 527 organization is spending money to influence the election of federal candidates.

27. SBVT has made "expenditures" in amounts far in excess of the \$1,000 threshold of the second prong of the test for "political committee" status. These expenditures have been made for broadcast advertisements that attack or oppose Senator Kerry. These disbursements have been "for the purpose of influencing" federal elections, and thus constitute "expenditures" under the law.

28. Ads run by a section 527 "political organization" that promote, support, attack or oppose federal candidates are clearly for the purpose of influencing a federal election, even if such ads do not contain "express advocacy" or are not "electioneering communications," as defined in 2 U.S.C. § 434(f)(3)(A)(i). Because the "express advocacy" test does not apply to section 527 groups, and thus does not limit the statutory definition of "expenditures" made by

26044152180

such groups, the funds spent by SBVT to attack or oppose Senator Kerry, are "expenditures." They are being made "for the purpose of influencing" the 2004 presidential elections.

29. Alternatively, even if the Commission incorrectly decides that the "express advocacy" test does apply to section 527 groups, the ads run by SBVT meet that test as well. The Commission's existing regulations define "express advocacy" to include a communication that "when taken as a whole and with limited reference to external events...could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more candidates because the electoral portion of the communication is unmistakable, unambiguous and suggestive of only one meaning and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates or encourages some other kind of action." 11 C.F.R. § 100.21(b). The ads run by SBVT, when taken as a whole, can only be interpreted by a reasonable person as opposing the election of Senator Kerry for President, and thus meet the Commission's existing regulatory definition of "express advocacy." Thus, the ads by SBVT contain "express advocacy" and therefore constitute "expenditures."

30. SBVT to date has not registered with the Commission as a federal political committee. It is presumably intending to make all of its disbursements regarding federal candidates from an account which does not comply with federal contribution limits, source prohibitions and reporting requirements.

31. In sum, SBVT has a "major purpose" to support or oppose the election of one or more particular federal candidates, and it has spent far in excess of the statutory \$1,000 threshold amount on "expenditures" for this purpose. The Commission accordingly should find that SBVT is a "political committee" under the Act. SBVT has not filed a statement of

26044152181

organization as a political committee, as required by 2 U.S.C. § 432, and has not complied or does not intend to comply with reporting requirements of 2 U.S.C. § 434, and has not complied with, and does not intend to comply with, the contribution limits and source prohibitions of 2 U.S.C. §§ 441a and 441b. The Commission should accordingly find SBVT in violation of all of these provisions of law.

Disclosure

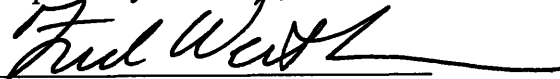
32. Because of the violations of law set forth above, the Commission and the public, including the complainants, are not receiving full and accurate public disclosure of the funds raised and spent by SBVT, as required by FECA. Because it is a political committee, the funds received by SBVT are "contributions" subject to the mandatory federal reporting requirements of FECA and are required to be fully disclosed to the Commission and to the public, 2 U.S.C. § 434, including complainants. The donations received by SBVT as a section 527 group which is not reporting to the Commission as a federal political committee are subject only to reporting to the Internal Revenue Service under 26 U.S.C. § 527 and such disclosure may be avoided altogether if the recipient chooses to pay income tax on the donation. Further, section 527, unlike the FECA requirements applicable to political committees, does not require the reporting of the aggregate amount of unitemized contributions received by the group, so there is no basis to determine the total aggregate amount raised by such a section 527 group. Thus, to the extent that SBVT is wrongly treating contributions required to be reported under FECA instead as donations to a section 527 account, the public, including complainants, and the Commission have no assurance that all contributions required to be disclosed under FECA are properly being disclosed, or that the total amount of contributions to SBVT is being disclosed.

26044152182

Prayer for Relief

33. Wherefore, the Commission should conduct an immediate investigation under 2 U.S.C. §437g, should determine that SBVT has violated or is about to violate 2 U.S.C. §§ 432, 434, 441a and 441b(a), and 11 C.F.R. § 114.4, should impose appropriate sanctions for such violations, should enjoin the SBVT from all such violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,



Democracy 21, by
 Fred Wertheimer
 1825 I Street, NW, Suite 400
 Washington, DC 20006
 202-429-2008



Campaign Legal Center, by
 J. Gerald Hebert
 1640 Rhode Island Ave. NW, Suite 650
 Washington, DC 20036
 202-736-2200



Center for Responsive Politics, by
 Steven Weiss
 1101 14th Street, NW, Suite 1030
 Washington, DC 20005
 202-857-0044

Donald J. Simon
 Sonosky, Chambers, Sachse
 Endreson & Perry LLP
 1425 K Street NW – Suite 600
 Washington, DC 20005
 202-682-0240

Counsel for Democracy 21

26044152183

Verification

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn to pursuant to 18 U.S.C., § 1001.

For Complainant Democracy 21

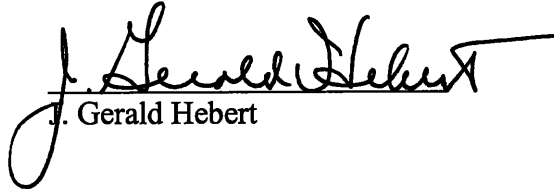

Fred Wertheimer

Sworn to and subscribed before me this 10th day of August, 2004


Notary Public

Vivian Ham
Notary Public
District of Columbia
My Commission Expires:
November 30, 2008

For Complainant Campaign Legal Center


J. Gerald Hebert

Sworn to and subscribed before me this 10th day of August, 2004


Notary Public

Vivian Ham
Notary Public
District of Columbia
My Commission Expires:
November 30, 2008

For Complainant Center for Responsive Politics


Steven Weiss

Sworn to and subscribed before me this 10th day of August, 2004


Notary Public

My Commission Expires January 1, 2008

26044152184

**Political Organization
Notice of Section 527 Status**

OMB No. 1545-1693

Part I General Information

1 Name of organization **Employer identification number**
Swift Boat Veterans for Truth 20 - 1041228

2 Mailing address (P.O. box or number, street, and room or suite number)
P O Box 26184

City or town, state, and ZIP code
Alexandria, VA 22313

3 Check applicable box: ☒ Initial notice ☐ Amended notice ☐ Final notice

4a Date established **4b Date of material change**
04/23/2004 04/23/2004

5 E-mail address of organization
no@email

6a Name of custodian of records **Custodian's address**
Weymouth D Symmes
P O Box 26184
Alexandria, VA 22313

7a Name of contact person **Contact person's address**
Weymouth D Symmes
P O Box 26184
Alexandria, VA 22313

8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
P O Box 26184

City or town, state, and ZIP code
Alexandria, VA 22313

9a Election authority **9b Election authority identification number**
NONE

Part II Notification of Claim of Exemption From Filing Certain Forms (see instructions)

10a Is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes ☐ No ☒

10b If 'Yes,' list the state where the organization files reports:

11 Is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tax, as a caucus or associations of state or local officials? Yes ☐ No ☒

Part III Purpose

12 Describe the purpose of the organization
To engage in exempt function activity

Exhibit A

26044152185

Part IV List of All Related Entities (see instructions)13 Check if the organization has no related entities. ☒

14a Name of related entity	14b Relationship	14c Address
----------------------------	------------------	-------------

Part V List of All Officers, Directors, and Highly Compensated Employees (see instructions)

15a Name	15b Title	15c Address
Weymouth D Symmes	Treasurer	P O Box 26184 Alexandria, VA 22313
Alvin A Horne	Secretary	P O Box 26184 Alexandria, VA 22313
John O'Neill	Co-Chairman	P O Box 26184 Alexandria, VA 22313
Admiral Roy Hoffman (Ret)	Chairman	P O Box 26184 Alexandria, VA 22313

Under penalties of perjury, I declare that the organization named in Part I is to be treated as a tax-exempt organization described in section 527 of the Internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that I am the official authorized to sign this report, and I am signing by entering my name below.

Weymouth D Symmes

04/30/2004

**Sign
Here**

Name of authorized official

Date

26044152186

Press Release -- May 4, 2004

Thursday, July 01 2004 @ 07:35 PM PDT

SWIFT BOAT VETERANS FOR TRUTH FORMS ORGANIZATION

Goals are to restore honor of Vietnam vets; Rebut John Kerry's unanswered lies; Bring the truth about Kerry's service to the public

(May 4-Washington, D.C.) Today, a group of Swift Boat veterans from the unit in which Senator John Kerry served announced the formation of an organization, Swift Boat Veterans for Truth. The organization has been formed in order to bring the truth about Kerry to the American people. The organization intends to discuss Kerry's war crimes charges, Kerry's record and to request that Kerry authorize the Department of Defense to release the originals and the complete files relating to his military service and medical military records.

The group released a historic letter expressing the overwhelming opposition of those who served with Kerry or in his unit to his misrepresentation of his record and the unit's record. The letter is signed by Swift Boat veterans at all levels and from the entire political spectrum; the entire chain of command during the period Kerry served in Vietnam; veterans who participated in the engagements resulting in his medals, and the majority of officers who served with him in Coastal Division 11, the unit in which he spent most of his four month tour of duty. Public circulation of the letter began one week ago and collected hundreds of signatures. The signers already make up a majority of the Swift Vets whose addresses can be found. The complete record of signers and comments will be posted on Swiftvets.com.

Rear Admiral Roy Hoffmann, USN (retired), Commander of Coastal Surveillance Force Vietnam (Commander Task Force 115) and chair of the group said, "I signed this letter because I do not believe John Kerry is fit to be the Commander in Chief of the Armed Forces of the United States. This is not a political issue. It is a matter of his judgment, truthfulness, reliability, loyalty and trust - all absolute tenets of command."

"We don't understand why Kerry would make the centerpiece of his campaign an exaggerated account of his four month service in Vietnam 33 years ago, but since he is, we believe the American public is entitled to the truth about his service and about his charges about war crimes and atrocities," explained John O'Neill, a Swift Boat veteran who took charge of Kerry's boat a few months after Kerry's departure and who debated Kerry in 1971.

The Swift Boat Vets for Truth include the entire chain of command above Kerry. Lt. Commander Grant Hibbard, Lt. Commander Elliott, Captain Charles Plumly, Captain Adrian Lonsdale USCG (retired) and Rear Admiral Hoffmann (retired), as well as enlisted men, officers, men who served with Mr. Kerry, men who served in the same group of Swift boats and men intimately familiar with the operations and conduct of Swift boat operations during the war. The group also includes James Zumwalt, Lt. Colonel, U.S.M.C. (retired), representing his father, Admiral Elmo Zumwalt, and brother, Lt. Elmo Zumwalt III, both deceased.

Swift Boat Veterans for Truth is a Special Purpose Political Action Committee.

Chairman, Rear Admiral Roy Hoffmann (retired)
Treasurer, Weymouth "Wey" Symmes
PO Box 26184
Alexandria, VA 22313
SwiftVets.com

WHAT IS A SWIFT BOAT?

A Swift Boat is a 22-ton heavily armed, 50-foot, shallow draft aluminum patrol craft similar to the utility boats servicing oil platforms and other offshore facilities in the Gulf of Mexico. These boats are known also by the U.S. Navy designation as PCF or Patrol Craft-Fast.

First introduced into the war in Vietnam in 1966, they are driven by two powerful diesel engines. The boat was armed with paired 50-caliber, aircraft type, ring-mounted machineguns forward over the pilothouse, another 50-caliber machinegun

mounted in piggyback fashion over an 81-millimeter mortar that is fixed to the afterdeck, and an M-60 light machinegun most often mounted on the sampson post at the bow in front of the pilothouse. The post has a mounting plate, which can also accommodate a Mark 19 forty-millimeter, rapid-fire grenade launcher.

These boats also carried an assortment of other lethal weapons. Fragmentation hand grenades were not permitted on the boats. Concussion grenades were plentiful as a deterrent to swimmers who might try to attack a boat.

The crew usually consisted of five enlisted personnel led by one officer-in-charge. This officer was normally an Ensign or a Lieutenant Junior Grade, 23 to 27 years old. All were volunteers and almost all of them developed a fierce love for their boats.

For all of its deadly weaponry and ordinance, Swift Boats were not armored except around the small magazine located on the centerline under the deck of the main cabin. The skin of a Swift could easily be penetrated by small arms fire and the enemy version of the rocket-propelled grenade could blow out the insides of any Swift Boat while killing or maiming its crew.

0 comments

<http://www.swiftvets.com/article.php?story=2004070119350511>



http://www.latimes.com/news/nationworld/politics/whitehouse/la-na-swift5aug05,1,2764364.story?coll=la-news-politics-white_house

THE RACE TO THE WHITE HOUSE

Veterans Attack Kerry on Medals, War Record

By Maria L. La Ganga and Stephen Braun
Times Staff Writers

August 5, 2004

A group of Vietnam veterans was set to launch a 60-second ad today in three battleground states charging that Democratic presidential candidate John F. Kerry had lied about his war record, had engineered the injuries that led to combat medals and was unfit to be commander in chief.

Swift Boat Veterans for Truth, whose members have spoken out against the Massachusetts senator in recent months, were scheduled to spend \$500,000 to run the stark ad in Wisconsin, Ohio and West Virginia as part of a multimedia effort to discredit Kerry's wartime record, a cornerstone of the Democratic campaign.

Vietnam veterans were a key component of last week's Democratic National Convention in Boston, where they attested to Kerry's bravery and leadership while commanding a Swift boat on the Mekong Delta and stood with him onstage the night he accepted the nomination for president.

There are an estimated 25 million veterans in America. They are considered a key voting bloc in what promises to be a close election.

The anti-Kerry group's leadership refused to disclose the source of funding for the ad and its other efforts. But it did confirm that one of its biggest donors is Robert J. Perry, a Houston homebuilder. According to Texans for Public Justice, an organization that tracks the influence of campaign donations on Texas politics, Perry gave \$3.8 million to several Texas Republican candidates in 2000. He also has donated to President Bush's reelection campaign.

Swift Boat Veterans for Truth began its campaign against Kerry this year, but waited until after the convention and Kerry's acceptance speech to begin its strongest attacks.

All but one of Kerry's surviving Swift boat crewmates have campaigned on his behalf and appeared with him at the convention. The holdout is Steve Gardner of Clover, S.C., who is a member of Swift Boat Veterans for Truth and took part in a conference call Wednesday regarding the anti-Kerry ad.

"John Kerry set up there at the Democratic convention. He's got nine men in front of him ... that agree with what he said and did," said Gardner, who described Kerry as reckless, rather than heroic. "If we [the anti-Kerry veterans] were going to come to that convention, we'd have needed a battleship."

Gardner is part of the group's outreach effort, which is to include media interviews, organizing in

Exhibit C

battleground states and appearances at campaign events. He is not pictured in the ad. His comments came during a conference call arranged by the group.

A Kerry spokesman, Michael Meehan, dismissed the allegations and the organization's members, saying that "a lot of them have a political agenda. They can vote for whoever they want. But we won't allow them to besmirch the record of Sen. Kerry."

Meehan noted that two of the men in the ad flew to Boston in 1996 to support Kerry during a nasty Senate campaign in which his heroism had been called into question.

"Here we are two years later, and they're starring in an ad calling Kerry a liar," Meehan said. "What has changed in the eight years since to their recollections? ... It has to be politics."

The ad begins with footage of Sen. John Edwards of North Carolina, the Democratic nominee for vice president, laying down a challenge: "If you have any question about what John Kerry's made of, just spend three minutes with the men who served with him 30 years ago."

Then printed words appear on the screen — "Here's what these men think about John Kerry" — and veteran after veteran calls the candidate's wartime experiences into question.

Most of the accusations are general in nature, alleging that Kerry lied or "is no war hero." But two specifically addressed the combat medals the Democrats point to as proof of Kerry's fitness to serve.

"I know John Kerry is lying about his first Purple Heart, because I treated him for that injury," Dr. Louis Letson, who served as a surgeon at Cam Ranh Bay Naval Support, says in the ad.

"John Kerry lied to get his Bronze Star. I know. I was there. I saw what happened," Van Odell, who served as gunner on PCF 31, one of the boats involved in the incident that earned Kerry the Bronze Star, says in the ad.

There is little corroboration in the ad to back up their statements. But the charges are described at length in "Unfit for Command," a book by group member John E. O'Neill, which is scheduled to be released Aug. 15.

In a conference call arranged by the Kerry campaign, several of Kerry's crewmates on the two Swift boats he skippered defended him, calling the charges politically motivated fabrications.

"Republicans love this," said Del Sandusky, leading petty officer with Kerry on PCF 94. "They want to take away from John Kerry's status as a war hero, because George Bush can't compete with it."

If you want other stories on this topic, search the Archives at latimes.com/archives

TMSReprints

Article licensing and reprint options

Copyright 2004 Los Angeles Times

26044152190

August 5, 2004

Vietnam Veterans Buy Ads to Attack Kerry

By JODI WILGOREN

A group of Vietnam veterans has bought television time in three swing states for an advertisement that attacks Senator John Kerry, accusing him of lying about his war record, including the circumstances surrounding his medals, and betraying his comrades by later opposing the war.

"When the chips were down, you could not count on John Kerry," one of the veterans, Larry Thurlow, says in the 60-second advertisement, scheduled to begin running today in scattered markets in Ohio, West Virginia and Wisconsin.

Robert G. Elder, like Mr. Kerry a Navy lieutenant who commanded a Swift boat, declares, "John Kerry is no war hero," and Robert Hildreth, who held a similar post, intones, "John Kerry cannot be trusted."

The Kerry campaign immediately denounced the group, noting that none of the men had actually served on the Swift boats that Mr. Kerry commanded, like Gene Thorson, who told reporters, "These assertions are garbage; these people weren't there with John Kerry."

The advertisement, which layers snippets from recent interviews with a dozen veterans over familiar black-and-white photographs of Mr. Kerry and his men in uniform, is the latest tactic of Swift Boat Veterans for Truth, a 200-member group that held a news conference in Washington this spring to make similar accusations. It is one of several independent groups, known as 527's for the provision in the tax code that enables their operation, to run attack advertisements this season.

Tax documents show that from April to June, the group collected \$158,750 from 11 people, \$100,000 of it from Bob J. Perry, a Houston developer who is a major contributor to Republican campaigns.

Steve Schmidt, a spokesman for the Bush campaign, said he had not seen the advertisement and tried to distance the president from it.

"The Bush-Cheney campaign has never and will never question John Kerry's service during Vietnam," Mr. Schmidt said. "The election will not be about the past, it will be about the future."

Mr. Kerry's aides circulated an 18-page packet discrediting the veterans group and linking its backers to Republicans, noting that a public-relations consultant the group paid \$27,000 this spring, Merrie Spaeth, was also involved in a advertising campaign attacking Senator John McCain during his tough race against Mr. Bush in the 2000 primary in South Carolina. The Kerry campaign also convened a conference call in which two of Mr. Kerry's crewmates, and a man he pulled from the Mekong River, defended his service.

"The fact is, John Kerry risked his life to save the lives of others," said Chad Clanton, a spokesman for the Kerry campaign.

Exhibit D

26044152191

Adm. Roy F. Hoffman, who is retired and who says in the advertisement, "John Kerry has not been honest," acknowledged that the men in the advertisement did not serve on Mr. Kerry's boat, but he said their time in parallel boats on coordinated missions, or as Mr. Kerry's superiors, made them valid commentators on his record. The group provided station managers with a 13-page memorandum, backed up by more than 60 pages of sworn statements, book excerpts and military records.

"We were on the same operations, we were operating within 25-50 yards of him all the time, and for them to suggest we don't know John Kerry is pure old bull," Mr. Hoffman said. "He has made this the centerpiece of this campaign, and we just don't think he's qualified to be the commander in chief of the armed forces. We have every right to be heard."

Produced by Stevens, Reed, Curcio & Potham, a Republican firm based in Alexandria, Va., the advertisement tees off with Mr. Kerry's running mate, Senator John Edwards of North Carolina, saying that the best way to understand Mr. Kerry is to "spend three minutes with the men who served with him." Then the anti-Kerry veterans speak one by one:

"John Kerry lied to get his Bronze Star," says one, Van O'Dell. "I know. I was there. I saw what happened."

Another, Jack Chenoweth, says, "His account of what happened and what actually happened are the difference between night and day." Adrian L. Lonsdale, one of Mr. Kerry's superiors in Vietnam, says Mr. Kerry "lacks the capacity to lead," Shelton White, a Swift boat commander, says he "betrayed the men and women he served with in Vietnam," and Joseph L. Ponder adds, "He dishonored his country, he most certainly did."

A doctor, Louis Letson, repeats accusations he made in newspaper interviews this spring that Mr. Kerry did not deserve his first Purple Heart because his wounds resulted from a ricochet off friendly fire, saying in the advertisement, "I know John Kerry is lying about his first Purple Heart because I treated him for that injury." The Kerry campaign pointed out yesterday, as it had previously, that another doctor, J. C. Carreon, signed Mr. Kerry's treatment record.

Mr. Hoffman said the group was spending \$500,000 to run the advertisement but would not say how long it would be on the air; a Kerry aide said the buy was far smaller, \$156,000 in seven smallish markets like Green Bay, Wis., and Toledo, Ohio, suggesting it was a "vanity buy" intended to attract news coverage.

SWIFTVETS.COM

Any Questions?

John Edwards: "If you have any question about what John Kerry is made of, just spend 3 minutes with the men who served with him "

Al French: "I served with John Kerry "

Bob Elder: "I served with John Kerry "

George Elliott: "John Kerry has not been honest about what happened in Vietnam "

Al French: "He is lying about his record "

Louis Letson: "I know John Kerry is lying about his first Purple Heart because I treated him for that injury "

Van O'Dell: "John Kerry lied to get his bronze star . I know, I was there, I saw what happened "

Jack Chenoweth: "His account of what happened and what actually happened are the difference between night and day "

Admiral Hoffman: "John Kerry has not been honest "

Adrian Lonsdale: "And he lacks the capacity to lead "

Larry Thurlow: "When the chips were down, you could not count on John Kerry "

Bob Elder: "John Kerry is no war hero "

Grant Hibbard: "He betrayed all his shipmates he lied before the Senate "

Shelton White: "John Kerry betrayed the men and women he served with in Vietnam "

Joe Ponder: "He dishonored his country . he most certainly did "

Bob Hildreth: "I served with John Kerry "

Bob Hildreth (off-camera): John Kerry cannot be trusted "

Announcer: "Swift Boat Veterans for Truth is responsible for the content of this advertisement "

Back to Ad

Exhibit E

Problems Viewing This Ad? Click on one of the following...



AOL



QuickTime



Windows
Media



26044152194

**Political Organization
Report of Contributions and Expenditures**

OMB No 1545-1696

► See separate instructions.

A For the period beginning 04/23/2004 **and ending** 06/30/2004

B Check applicable box: ☒ Initial report ☐ Change of address ☐ Amended report ☐ Final report

1 Name of organization Swift Boat Veterans for Truth **Employer identification number** 20 - 1041228

2 Mailing address (P.O. box or number, street, and room or suite number)
P O Box 26184

City or town, state, and ZIP code
Alexandria, VA 22313

3 E-mail address of organization:
no@cmail

4 Date organization was formed:
04/23/2004

5a Name of custodian of records
Weymouth D Symmes

5b Custodian's address
P O Box 26184
Alexandria, VA 22313

6a Name of contact person
Weymouth D Symmes

6b Contact person's address
P O Box 26184
Alexandria, VA 22313

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
P O Box 26184

City or town, state, and ZIP code
Alexandria, VA 22313

8 Type of report (check only one box)

- ☐ First quarterly report
(due by April 15)
☒ Second quarterly report
(due by July 15)
☐ Third quarterly report
(due by October 15)
☐ Year-end report
(due by January 31)
☐ Mid-year report (Non-election
year only-due by July 31)

- ☐ Monthly report for the month of
(due by the 20th day following the month shown above, except the
December report, which is due by January 31)
☐ Pre-election report (due by the 12th or 15th day before the election)
(1) Type of election
(2) Date of election
(3) For the state of
☐ Post-general election report (due by the 30th day after general election)
(1) Date of election
(2) For the state of

9 Total amount of reported contributions (total from all attached Schedules A)

9. \$ 158750

10 Total amount of reported expenditures (total from all attached Schedules B)

10. \$ 60403

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete

Weymouth D Symmes

07/15/2004

**Sign
Here**

Signature of authorized official

Date

Exhibit F

26044152195

Schedule A Itemized Contributions

Schedule A

Contributor's name, mailing address and ZIP code Dingeman, Dr Robert D Fairbanks, AK 99712	Name of contributor's employer Self Contributor's occupation Physician Aggregate contributions year-to-date \$ 500	Amount of contribution \$ 500 Date of contribution 05/05/2004
Contributor's name, mailing address and ZIP code Paraclette Armor & Equipment Inc Saint Pauls, NC 28384	Name of contributor's employer Paraclette Armor & Equipment Inc Contributor's occupation Equipment dealer Aggregate contributions year-to-date \$ 2000	Amount of contribution \$ 2000 Date of contribution 05/07/2004
Contributor's name, mailing address and ZIP code Crow, Hardin Dallas, TX 75201	Name of contributor's employer Retired Contributor's occupation Retired Aggregate contributions year-to-date \$ 25000	Amount of contribution \$ 25000 Date of contribution 05/10/2004
Contributor's name, mailing address and ZIP code Hoffmann, Roy F Richmond VA 23236	Name of contributor's employer Retired Contributor's occupation Retired Aggregate contributions year-to-date \$ 1000	Amount of contribution \$ 1000 Date of contribution 05/13/2004
Contributor's name, mailing address and ZIP code Symmes, Weymouth D Missoula, MT 59801	Name of contributor's employer Retired Contributor's occupation Retired Aggregate contributions year-to-date \$ 2000	Amount of contribution \$ 2000 Date of contribution 05/13/2004
Contributor's name, mailing address and ZIP code Brody, Steven N Indiana, PA 15701	Name of contributor's employer S N B Associates Contributor's occupation Management Aggregate contributions year-to-date \$ 500	Amount of contribution \$ 500 Date of contribution 05/14/2004
Contributor's name, mailing address and ZIP code Lindsay, Christine M Loudonville, NY 12211	Name of contributor's employer Homemaker Contributor's occupation Homemaker Aggregate contributions year-to-date \$ 2000	Amount of contribution \$ 2000 Date of contribution 05/17/2004
Contributor's name, mailing address and ZIP code Iverson, Ann C Houston, TX 77027	Name of contributor's employer B B D O Contributor's occupation Advertising Aggregate contributions year-to-date \$ 250	Amount of contribution \$ 250 Date of contribution 05/18/2004
Contributor's name, mailing address and ZIP code Isley, Floyd W Cali Isbad, CA 92009	Name of contributor's employer Retired Contributor's occupation Retired Aggregate contributions year-to-date \$ 500	Amount of contribution \$ 500 Date of contribution 06/03/2004
Contributor's name, mailing address and ZIP code Perry, Bob J Houston, TX 77234	Name of contributor's employer Perry Homes Contributor's occupation Owner Aggregate contributions year-to-date \$ 100000	Amount of contribution \$ 100000 Date of contribution 06/30/2004

26044152196

Contributor's name, mailing address and ZIP code

O'Neill, John

Houston, TX 77019

Name of contributor's employer

Clements O'Neill Piecece

Contributor's occupation

Attorney

Aggregate contributions year-to-date

\$ 25000

Amount of contribution

\$ 25000

Date of contribution

05/04/2004

26044152197

Schedule B Itemized Expenditures

Schedule B

Recipient's name, mailing address and ZIP code P R Newswire GPO Box 911309 Dallas, TX 75391	Name of recipient's employer P R Newswire Recipients's occupation News service	Amount of Expenditure \$ 625 Date of expenditure 06/18/2004
Purpose of expenditure News service		
Recipient's name, mailing address and ZIP code P R Newswire GPO 911309 Dallas, TX 75391	Name of recipient's employer P R Newswire Recipients's occupation News service	Amount of Expenditure \$ 1490 Date of expenditure 06/19/2004
Purpose of expenditure News service		
Recipient's name, mailing address and ZIP code Political Compliance Services, Inc P O Box 373 Fairfax Station, VA 22039	Name of recipient's employer Political Compliance Services, Inc Recipients's occupation Compliance	Amount of Expenditure \$ 7500 Date of expenditure 05/04/2004
Purpose of expenditure Compliance consulting		
Recipient's name, mailing address and ZIP code Robert A Hahn Alexandria, VA 22302	Name of recipient's employer Self Recipients's occupation Web design	Amount of Expenditure \$ 1600 Date of expenditure 06/09/2004
Purpose of expenditure Website design		
Recipient's name, mailing address and ZIP code Rupprath and Associates 3004 Bayside Drive Rockwall, TX 75087	Name of recipient's employer Rupprath and Associates Recipients's occupation Researcher	Amount of Expenditure \$ 1487 Date of expenditure 05/18/2004
Purpose of expenditure Research		
Recipient's name, mailing address and ZIP code Rupprath and Associates 3004 Bayside Drive Rockwall, TX 75087	Name of recipient's employer Rupprath and Associates Recipients's occupation Research	Amount of Expenditure \$ 1692 Date of expenditure 06/06/2004
Purpose of expenditure Research		
Recipient's name, mailing address and ZIP code Sarah Barkley Charlottesville, VA 22901	Name of recipient's employer Self Recipients's occupation Researcher	Amount of Expenditure \$ 400 Date of expenditure 06/18/2004
Purpose of expenditure Research		
Recipient's name, mailing address and ZIP code Sarah Barkley Charlottesville, VA 22901	Name of recipient's employer Self Recipients's occupation Researcher	Amount of Expenditure \$ 400 Date of expenditure 06/30/2004
Purpose of expenditure Research		
Recipient's name, mailing address and ZIP code Scott Swett Falls Church, VA 22046	Name of recipient's employer Self Recipients's occupation Web design	Amount of Expenditure \$ 1600 Date of expenditure 06/09/2004
Purpose of expenditure Web design		

26044152198

Recipient's name, mailing address and ZIP code
Spaeth Communications Inc
3405 Oak Grove Avenue
Dallas, TX 75204

Name of recipient's employer
Spaeth Communications Inc
Recipients's occupation
Media consultant

Amount of Expenditure
\$ 16274
Date of expenditure
05/18/2004

Purpose of expenditure
Media consultant

Recipient's name, mailing address and ZIP code
Spaeth Communications Inc
3405 Oak Grove Avenue
Dallas, TX 75205

Name of recipient's employer
Spaeth Communications Inc
Recipients's occupation
Media consultant

Amount of Expenditure
\$ 11581
Date of expenditure
06/06/2004

Purpose of expenditure
Media consultant

Recipient's name, mailing address and ZIP code
The McIntosh Company
4505 Southern Avenue
Dallas, TX 75205

Name of recipient's employer
The McIntosh Company
Recipients's occupation
Fundraising

Amount of Expenditure
\$ 5000
Date of expenditure
06/06/2004

Purpose of expenditure
Fundraising consultant

Recipient's name, mailing address and ZIP code
The McIntosh Company
4505 Southern Avenue
Dallas, TX 75205

Name of recipient's employer
The McIntosh Company
Recipients's occupation
Fundraising

Amount of Expenditure
\$ 5000
Date of expenditure
06/30/2004

Purpose of expenditure
Fundraising consultant

Recipient's name, mailing address and ZIP code
Tom Wyld

Warrenton, VA 20186

Name of recipient's employer
Self
Recipients's occupation
Researcher

Amount of Expenditure
\$ 1800
Date of expenditure
06/18/2004

Purpose of expenditure
Research

Recipient's name, mailing address and ZIP code
Tom Wyld

Warrenton VA 20186

Name of recipient's employer
Self
Recipients's occupation
Researcher

Amount of Expenditure
\$ 2000
Date of expenditure
06/30/2004

Purpose of expenditure
Research

Recipient's name, mailing address and ZIP code
Tial Graphix
P O Box 370732
Miami, FL 33137

Name of recipient's employer
Tial Graphix
Recipients's occupation
Graphics

Amount of Expenditure
\$ 1954
Date of expenditure
06/08/2004

Purpose of expenditure
Photographs

25044152199



<http://www.latimes.com/news/politics/2004/la-na-perry8aug08,1,3055009.story?coll=la-politics-pointers>

THE NATION

Top Texas Donor's Influence Far More Visible Than He Is

Robert Perry is behind an ad attacking John Kerry's war record and many GOP campaigns.

By Scott Gold
Times Staff Writer

August 8, 2004

NASSAU BAY, Texas — Robert J. Perry, the main financier behind the effort to discredit Sen. John F. Kerry's military record, is the most prolific political donor in Texas.

A homebuilder who lives lakeside in this Houston suburb, Perry has helped bankroll the widespread success of Republican candidates here, has long-standing ties to many close associates of President Bush and has contributed to Bush's last four campaigns. According to interviews and campaign documents, he has given a total of more than \$5 million to scores of political candidates.

"And the vast majority of those people have never laid eyes on him," said Court Koenning, executive director of the Republican Party in Harris County, which includes the Houston metropolitan area.

Despite the enormous influence of his money, Perry, 71, is reticent and guarded, and remains something of a mystery in Texas. But this week, his largess crept onto the national stage.

A group called Swift Boat Veterans for Truth launched television ads Thursday accusing Kerry, a Massachusetts senator and the Democratic presidential nominee, of lying about his military record. A \$100,000 check that Perry wrote to the group this year represented about two-thirds of the money in its accounts as of June 30, according to financial documents.

The Bush campaign says it has no ties to the group.

The advertisements, running in the battleground states of Wisconsin, Ohio and West Virginia, are part of a multimedia campaign questioning Kerry's fitness as a leader and commander in chief. A book written by one of the group's leaders, Houston lawyer John E. O'Neill, is scheduled to be released Aug. 15.

"Bob Perry is a very generous guy with his political donations," Koenning said. "His primary interest is good government.... Everybody agrees that John Kerry's service to this country is admirable. But if he lied about it, that speaks to his character."

Exhibit G

26044152200

Kerry was awarded three Purple Hearts, a Bronze Star and a Silver Star for his service in Vietnam. Upon his return, he became a leader of a veterans group that declared the war a mistake. His military service is a cornerstone of his presidential campaign, one his advisors believe contrasts sharply with Bush's service in the Texas Air National Guard.

None of the veterans featured in the advertisements served on the river patrol boats Kerry commanded during Vietnam. Several of Kerry's crewmates have condemned the advertisements, and Sen. John McCain (R-Ariz.), once a prisoner of war in Vietnam, called them "dishonest and dishonorable."

"Bob Perry pulls the strings and never gets his hands dirty. But even by his standards, this latest deal is just over the top," said Charles Soechting, chairman of the Texas Democratic Party.

Perry declined to comment through his spokesman, Bill Miller, an Austin political consultant.

Perry has been a political donor for years, working with White House political director Karl Rove during Rove's Texas years, contributing to Texas Gov. Rick Perry's rise in politics and giving \$20,000 to Bush's two campaigns for governor in the 1990s.

But Perry, no relation to the governor, began increasing his donations in 2000. Today, campaign documents and his representatives confirm that he has given more money to campaigns and political organizations in the last four years than any other Texan. A few of his donations have gone to Democratic candidates, but most have gone to Republicans and conservative causes.

He has given nearly \$1 million to the Texas Republican Party. He has donated at least \$200,000 to Texans for Lawsuit Reform, one of the most successful "tort reform" organizations in the nation.

In the 2002 election cycle, he also provided about \$700,000 for the GOP's effort to dominate Texas politics. That included \$165,000 given to Texans for a Republican Majority, an offshoot of U.S. House Majority Leader Tom DeLay's Americans for a Republican Majority, formed to help conservatives get elected.

The election that year of a slate of DeLay-backed Republicans — all supported by Perry — gave the GOP control of the state House for the first time in 130 years. That paved the way for passage of a host of conservative measures, such as abortion restrictions and limits on medical malpractice cases. The GOP also redrew congressional maps for Texas, a move designed to shore up Republican control of Congress.

Perry is largely unknown outside of campaign finance databases and a small group of political leaders, shunning social activities often embraced by major donors. Many of the politicians who have received Perry's money say they have never met him. One who has, Texas Agriculture Commissioner Susan Combs, said he wanted to know just one thing before supporting her: "Are you a straight-talking, straight-shooting person who is going to represent Texas well?"

"I just think he's an unassuming guy," Combs said.

Born in a tiny ranching community in Bosque County, Texas, Perry attended Baylor University and then taught high school for awhile, like his father before him. In 1968, he started a home-building business in Houston.

Today, Perry Homes does business across central and eastern Texas. The company's website lists 48 communities in the Houston area alone where the company is building or selling houses, which range

26044152201

from \$110,000 to more than \$400,000.

Perry and his wife, Doyleene, have been married since 1961. They have four grown children.

The Perry home is less than a mile from Nassau Bay Baptist Church, where the couple attends services each weekend, said Senior Pastor David Fannin.

"Bob is the most kind, gracious and giving man you will ever meet," Fannin said. "He is a man of strong conviction."

Perry donates generously to the church, Fannin said, but never asks anything in return. His supporters also cite that trait.

"He has never asked me for a single thing," Combs said. "He is one of those rare individuals who is just interested in people being honest and ethical."

His detractors say otherwise.

Like many prominent building companies, Perry Homes has been sued dozens of times. Last year, Perry was among several developers watching as the Legislature imposed strict limits on civil lawsuits, particularly claims brought by homeowners alleging shoddy construction.

Critics called the seats where he and other builders watched the legislative debate the "owner's box," because much of their money had gone to advocacy groups fighting for limits on the civil court system, as well as politicians who supported those efforts. During that debate, the governor put a Perry Homes executive on a panel established to put in place new restrictions on claims against builders.

Perry's backers also say he works hard to reach out to Houston's Latino and African American communities. But some leaders of those communities accuse him of aggressively buying land in inner-city areas, then building expensive homes that gentrify those neighborhoods and drive out low-income families.

"I think he fancies himself as a person who can manipulate politics for his own gain," Soechting said. "Politics and money are one and the same to him."

If you want other stories on this topic, search the Archives at latimes.com/archives

TMSReprints

Article licensing and reprint options

Copyright 2004 Los Angeles Times

PAULA ZAHN NOW

John Kerry's Vietnam Experience Under Fire; Huge Week in War on Terror?

Aired August 6, 2004 - 20 00 ET

THIS IS A RUSH TRANSCRIPT THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

(BEGIN VIDEOTAPE)

HEIDI COLLINS, CNN ANCHOR. (voice-over). Truth, the first casualty of war and of politics?

SEN. JOHN EDWARDS (D-NC), VICE PRESIDENTIAL CANDIDATE: They saw up close when their lives were at risk that this man was a leader.

(BEGIN VIDEO CLIP, AD)

ADRIAN LONSDALE, VIETNAM VETERAN: He lacks the capacity to lead.

COLLINS: Is he or isn't he a Vietnam hero?

(BEGIN VIDEO CLIP, AD)

NARRATOR: Combat veteran who earned three Purple Hearts

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, AD)

LOUIS LETSON, VIETNAM VETERAN: I know John Kerry is lying about his first Purple Heart.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP)

NARRATOR: Risking his life to save others.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP, AD)

LARRY THURLOW, VIETNAM VETERAN: When the chips were down, you could not count on John Kerry.

(BEGIN VIDEO CLIP, AD)

COLLINS. Tonight, the attack on John Kerry's war record, who is behind it? What is the truth?

(END VIDEOTAPE)

COLLINS. Good evening, everybody. Thanks for joining us I'm Heidi Collins Paula is off tonight.

It's the battle over John Kerry's battle record. Kerry has made his military service in Vietnam a key selling point in his campaign for president Standing behind him as he delivered his acceptance speech at the Democratic Convention were the men known as his band of brothers, all Vietnam vets, all having served with Kerry aboard swift boats.

Now a group calling itself Swift Boat Veterans For Truth has produced a television commercial. Three of the veterans in the ad accuse Kerry of lying about his military service Two others claim they served with Kerry. But the Kerry campaign says that's not true, no one in the ad served with the candidate So who is telling the truth?

Exhibit H

26044152203

Here is CNN's Ed Henry

(BEGIN VIDEOTAPE)

SEN. JOHN KERRY (D-MA), PRESIDENTIAL CANDIDATE I'm John Kerry and I'm reporting for duty.

ED HENRY, CNN CONGRESSIONAL CORRESPONDENT. Swift Boat Veterans For Truth accuse John Kerry of lying about the circumstances surrounding some of his medals in Vietnam

(BEGIN VIDEO CLIP, AD)

JACK CHENOWETH, VIETNAM VETERAN. His account of what happened and what actually happened are the difference between night and day

ROY HOFFMAN, VIETNAM VETERAN John Kerry has not been honest.

(END VIDEO CLIP)

HENRY: But key parts of their story do not add up and the Kerry camp says it's the self-proclaimed truth-tellers bankrolled in part by a Texas Republican who have a credibility problem.

JOHN HURLEY, KERRY CAMPAIGN. These guys who are now criticizing John Kerry, these swift boat veterans for Bush, were not with John Kerry on any boat John Kerry commanded. And it is obviously a Republican-inspired exercise to try to damage John Kerry

HENRY. The vets themselves are now under fire, like George Elliott.

(BEGIN VIDEO CLIP, AD)

GEORGE ELLIOTT, VIETNAM VETERAN John Kerry has not been honest about what happened in Vietnam.

(END VIDEO CLIP)

HENRY Elliott recently signed an affidavit claiming Kerry should not have gotten a Silver Star, but that contradicts what Elliott himself said, standing by Kerry's side in 1996.

ELLIOTT The fact that he chased an armed enemy down is something not to be looked down upon, but it was an act of courage.

HENRY And in Friday's "Boston Globe," Elliott says he made a terrible mistake by signing the affidavit. Elliott would not comment to CNN But the swift boat vets say Elliott was misquoted by "The Globe" and stands by his affidavit.

As Kerry's commanding officer in 1969, Elliott signed a fitness report lauding the swift boat commander.

HURLEY George Elliott was either lying in 1969 or lying now

HENRY The vets are taking direct aim at Kerry's selling point.

SEN. JOHN KERRY (D-MA), PRESIDENTIAL CANDIDATE. I defended this country as a young man and I will defend it as president.

HENRY Central to this case, Kerry's Bronze Star. A wounded Kerry turned his swift boat around to save the life of Jim Rassmann, who had been blown off a boat in March 1969.

JIM RASSMANN, VIETNAM VETERAN And all these rounds kept coming in. And John ran up and dropped down on his hands and knees and pulled me over Had he not come out on that bow like that, I would be dead.

HENRY Heartwarming story or an exaggeration?

26044152204

(BEGIN VIDEO CLIP, AD)

VAN O'DELL, VIETNAM VETERAN John Kerry lied about his Bronze Star I know. I was there. I saw what happened

(END VIDEO CLIP)

HENRY: These vets charge, Kerry originally fled the scene and the men were not shot at, but Rassmann remembers otherwise, an account backed up by Kerry's swift boat driver.

UNIDENTIFIED MALE: I saw the bullets skimming across the water.

HENRY And the citation Kerry received from the Pentagon clearly states -- quote -- "All units began receiving small-arms fire and automatic weapons fire from both banks."

RASSMANN: To bring it up now, I think, is very disingenuous.

HENRY: Members of the group say they're coming forward now because Kerry is running for president.

THURLOW: And I would hate to have him be the commander in chief over my grandchildren.

HENRY The swift boat vets admit they're still curious about Kerry's dramatic 1971 Senate testimony. They believe Kerry dishonored all of his comrades by alleging some soldiers had raped and tortured innocents.

BOB ELDER, VIETNAM VETERAN: He betrayed all of us when he came home and went in front of the Congress of the United States and accused all of us of war crimes. That is not what a war hero is made of.

HENRY: These vets have also revived old allegations about one of Kerry's three Purple Hearts, saying the wound did not come from enemy fire and a doctor who says he treated Kerry claims the wound was superficial.

(BEGIN VIDEO CLIP, AD)

LETSON I know John Kerry is lying about his first Purple Heart because I treated him for that injury.

(END VIDEO CLIP)

(END VIDEOTAPE)

COLLINS CNN's Ed Henry tonight

Let's hear now from veterans on both sides of this issue.

And joining us tonight in Montgomery, Alabama, is Skip Barker. He was a swift boat commander and a friend of John Kerry. In Houston is another former swift boat commander, Andy Horne He is a member of Swift Boat Veterans For Truth

Gentlemen, thanks so much for the both of you for being here tonight.

I want to begin, first, by looking at the whole ad in its entirety Stand by and we'll get your comments on the backside of this.

(BEGIN VIDEO CLIP, AD)

EDWARDS If you have any question about what John Kerry's made of. Just spend three minutes with the men who served with him.

AL FRENCH, ENSIGN, 2 BRONZE STARS: I served with John Kerry

ELDER: I served with John Kerry

26044152205

GEORGE ELLIOTT, LIEUTENANT COMMANDER, 2 BRONZE STARS John Kerry has not been honest about what happened in Vietnam.

FRENCH: He is lying about his record.

LETSON: I know John Kerry is lying about his first Purple Heart because I treated him for that injury.

O'DELL. John Kerry lied to get his Bronze Star I know. I was there. I saw what happened.

CHENOWETH. His account of what happened and what actually happened are the difference between night and day

(END VIDEO CLIP)

COLLINS To be fair, Mr. Horne, I'd like to begin with you You were not there on this incident in 1968, were you?

ANDY HORNE, VIETNAM VETERAN No, I was not

COLLINS All right, thank you.

And, Mr Barker, were you there?

SKIP BARKER, FRIEND OF JOHN KERRY Are you talking about the incident that gave rise to the Bronze Star, Heidi?

COLLINS I'm talking about the incident in 1968 for the first purple star.

BARKER First Purple Heart? No, I was not, Heidi.

COLLINS All right. I just want to ask both of you -- and, again, Mr. Horne, we'll begin with you -- how will we ever really know what happened here?

HORNE. Well, Heidi, I think Skip and I both are not referring to the same thing You're talking about something in 1968 and I believe that ad is directed to a later action.

Am I correct on that, Mr Barker?

BARKER: That is my confusion.

And Andy Horne, to identify you, I'm sorry, I don't recall your name I had a commodore named Horne. Are you him?

(CROSSTALK)

HORNE No, no relation. That's another day we'll talk about that

BARKER. All right, sir. OK.

COLLINS: All right, now that we all know who each other are tonight, let me ask you, Mr. Horne, once again, do you think that this ad will have any sort of reflection on the Republican Party?

HORNE. Is that question to me, ma'am?

COLLINS Yes

HORNE: Oh, we're not here to talk about the Republican Party We're here to talk to the American public. And they do what they should do what they should do in November COLLINS: OK But, to be clear, there are words in that ad that say things like betrayed, lied, dishonored Is this not a campaign ad?

HORNE: Well, let me tell you, it's an ad to tell the truth about Swift Boat Veterans For Truth's position about Senator Kerry's service and his words and actions following his leaving Vietnam.

26044152206

COLLINS Sir, is it not produced and made to influence the presidential election in November?

HORNE Yes, of course.

COLLINS Is it not a campaign ad, then?

HORNE: Well, I'm not going to quibble with you on that We're an organization that has produced an ad to inform the American public, just as several ads have been produced to do so

COLLINS All right, Mr. Barker, let me get to you for a moment

BARKER. Yes, ma'am

COLLINS: As you know, John Kerry came home from Vietnam and was very outspoken about the war. He testified also that horrendous war crimes took place while he was there. Can you understand why some of these veterans would feel betrayed?

BARKER In a sense, Heidi, I can, if they do not carefully consider and understand his words and the context within which he was saying them

John Kerry volunteered to go to Vietnam. John Kerry risked his life in the service of our nation. John Kerry, according to George Elliott, served admirably. And in the March 1969 fitness report, George Elliott said that his leadership was unsurpassed, that John Kerry emerged as the acknowledged leader of his entire peer group, which was all of the swift boat officers in the division, including me.

Now, as to his testimony in April of 1971, John Kerry went, he saw, he conquered any doubts he had about the wrongness of that war and he came back and he did a courageous thing. He exercised his First Amendment right to peaceably petition his government for redress of grievances.

(CROSSTALK)

BARKER: And he did it so as to get them to stop the war.

COLLINS Pardon me, sir.

Mr Horne, was there a courageous thing that John Kerry did?

HORNE. Look, exercise of free speech is not necessarily always courageous. But when you tell the truth, that's one thing. When you distort the truth, that's quite another. And we believe he grossly distorted the truth for his own personal political future and had no concern for those men who were under fire, none And so we dispute this.

(CROSSTALK)

COLLINS Pardon me, one moment, sir

I'm sure you're fully aware, Mr Horne, that Senator John McCain came out and was very much against the way that this ad had been produced.

HORNE Well, we respect John McCain, but we have an equal right to speak the truth. I'm sure the campaigns both would like to see this ad not out there. And they'd like to control their own version of how the campaign should be run, but we have a different interest.

We want the American public to be aware of these disputes and for them to judge us for what we are.

COLLINS: Gentlemen, unfortunately, that is all the time we have tonight I certainly do appreciate you being with us

Skip Barker in Montgomery, Alabama, and Andy Horne in Houston, Texas, tonight, again, thanks to both of you

26044152207

HORNE: Thank you.

COLLINS Next, another campaign speed bump, the latest job figures.

Then, a bit later, the president and the challenge of unity -- when we come back.

(COMMERCIAL BREAK)

<http://www.cnn.com/TRANSCRIPTS/0408/06/pzn.00.html>

26044152208

FortWayne.com

Posted on Thu, Aug. 05, 2004

Some vets challenge Kerry's medals

Scripps Howard News Service

WASHINGTON – Some of John Kerry's Vietnam War compatriots are questioning the circumstances of how Kerry was awarded one of the three Purple Hearts he received in 1968.

The Kerry campaign responded it has been 35 years since the medals were awarded and no one raised the issue before Kerry got involved in the race for the White House.

Grant Hibbard, a U.S. Navy lieutenant commander and Kerry's direct supervisor for three months in 1968 and 1969 when Kerry commanded a five-man, 50-foot swift boat, said he never approved of the Purple Heart award for the wound Kerry received Dec. 6, 1968.

"He informed me of a wound," Hibbard said. But Hibbard said the wound he saw on Kerry's arm was so minor, "I basically said forget it, or words like that."

Hibbard said that although as Kerry's superior he was the person who would initiate such an award, he only learned Kerry received the award after he left Vietnam.

The award for the December action was stamped approved Feb. 28, 1969, under the signature of Donald Still, chief staff officer for the U.S. Naval Support Systems in Saigon, who has since died.

Hibbard, who now lives in Gulf Breeze, Fla., is a member of Swift Boat Veterans for Truth. The group this week launched advertising campaigns in battleground states, questioning the circumstances under which Kerry, then a Navy lieutenant, earned three Purple Hearts, a Bronze Star and a Silver Star during the five months he served in Vietnam in 1968 and 1969.

The organization also is publishing a book, "Unfit for Command: Swift Boat Veterans Speak Out Against John Kerry" by John O'Neill.

Kerry's campaign contends Swift Boat Veterans for Truth is an organization created for this year's election to destroy Kerry's record.

"It's really a sign of desperation about the support veterans are giving Kerry that a group of Republicans are doing this," said Michael Meehan, of the Kerry campaign. "Putting a lie on TV doesn't make it true."

Hibbard said he hasn't raised the issue before because Kerry's political career was in Massachusetts and Hibbard lived in Florida. "It didn't affect us," he said.

But since Kerry began his run for the White House, "deep in my heart I felt a call to come out now and refute these falsehoods. As commander in chief, he would be over our sons and daughters, and that scares the hell out of me."

Retired Rear Adm Roy Hoffman, of Richmond, Va, said he began organizing the anti-Kerry group in March, when it became clear Kerry would be the Democratic presidential nominee. He said the organization has 254 officers and enlisted men from Vietnam opposing Kerry's presidential bid.

26044152209